

County of San Diego

Code of Regulatory Ordinances

Title 6, Health and Sanitation

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

SEC. 62.901. DEFINITIONS.

Any word or phrase hereinafter used and not herein defined shall be given the meaning established for such word or phrase by the California Agricultural Code. Whenever in this chapter the term "Commissioner" is used, it shall mean the San Diego County Agricultural Commissioner and regularly appointed employees of the San Diego County Department of Agriculture acting pursuant to his instructions.

(Amended by Ord. No. 3429 (N.S.), effective 11-27-69)

SEC. 62.902. PROVISIONS SUPPLEMENT LAWS.

This chapter shall in all respects be construed to supplement and harmonize with the provisions of law of the State of California pertaining to bees and the beekeeping industry.

SEC. 62.903. COMMISSIONER MAY ENTER PREMISES.

The Commissioner is hereby empowered to enter upon any premises where bees are kept, or upon which he has reason to believe that bees are kept, in order to carry into effect the provisions of this chapter.

SEC. 62.904. INTERFERENCE WITH COMMISSIONER.

It shall be unlawful for any person to interfere with the official actions of the Commissioner.

SEC. 62.905. NOTICE OF VIOLATION.

Any person who violates any provisions of this chapter may be served with a written notice to cease or remedy such violation by the Commissioner or by any law enforcement officer of the County. Said notice shall require that such person cease or remedy the violation within 48 hours. Any person who fails to cease or remedy the violation within said 48 hour period is guilty of an infraction. The notice required by this section shall be served personally on such person or, if he cannot be readily found, shall be served by mail (return receipt requested) or, if he cannot be served by mail,

then service shall be accomplished by posting such notice on a conspicuous place on or near the apiary where the violation occurred. The 48-hour period for which such notice provides shall commence to run from the time on the day such notice is served pursuant to this section.

(Amended by Ord. No. 5200 (N.S.), effective 8-10-78)

SEC. 62.906. VIOLATIONS AN INFRACTION.

Every person who violates any provision of this chapter other than Section 62.925, and who has been served with written notice of such violation in the manner prescribed herein, and who fails or refuses to comply with such written notice, shall be guilty of an infraction. Every person who violates any provision of Section 62.925 shall be guilty of an infraction immediately upon such violation.

(Repealed and reenacted by Ord. No. 2709 (N.S.), effective 8-6-64; amended by Ord. No. 2844 (N.S.), effective 7-22-65; amended by Ord. No. 5200 (N.S.), effective 8-10-78)

SEC. 62.907. ABATEMENT OF NUISANCE.

Section 62.906 notwithstanding, if the Commissioner determines that the violation of any provision of this chapter constitutes a public nuisance to the extent that the health, safety or welfare of the public is endangered through such violation, the Commissioner may forthwith take such steps to abate such nuisance as to him or her seems necessary and proper in the circumstances; provided, however, that the Commissioner shall not cause the destruction of any bees or any apiary unless in his or her opinion the nuisance cannot otherwise be effectively and timely abated, or the bees have been determined to be Africanized. Alternatively, the Commissioner may commence proceedings in accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of this Code or any other procedure permitted by law.

No apiary operation certified as free from Africanized Honey Bee and maintained for commercial or hobbyist purposes and in a manner consistent with the other provisions of this ordinance, shall be or become a nuisance, private or public, due to the presence of Africanized Honey Bee in the County.

(Amended by Ord. No. 7141 (N.S.), effective 6-26-86; amended by Ord. No. 8358 (N.S.), effective 3-17-94)

SEC. 62.908. KEEPING OF AFRICANIZED HONEY BEES.

No person shall willingly and knowingly keep an apiary of Africanized bees until such time as the Commissioner declares that the keeping of apiaries in the County that are free from Africanized Honey Bee is no longer possible.

(Added by Ord. No. 8358 (N.S.), effective 3-17-94)

SEC. 62.909. FEES.

The Commissioner is authorized to negotiate with the incorporated cities in the County regarding the enforcement of beekeeping ordinances and to establish fees for such services and enforcement.

(Added by Ord. No. 8358 (N.S.), effective 3-17-94)

ARTICLE 2. GENERAL REGULATIONS

SEC. 62.921. IDENTIFICATION SIGNS.

Every person owning an apiary located on premises other than where he resides shall identify such apiary by a sign prominently displayed on the entrance side of the apiary stating, in black letters not less than one inch in height on a background of contrasting color, the name of the owner or person in possession of the apiary, his address and telephone number, or, if he has no telephone, a statement to that effect. Any apiary certified as free from Africanized Honey Bee shall be entitled to post a sign stating "this apiary certified free from Africanized Honey Bee as of (date)."

(Amended by Ord. No. 8358 (N.S.), effective 3-17-94)

SEC. 62.922. DISTANCE OF APIARY FROM ROADS.

No person shall place or keep an apiary, or cause or allow an apiary to remain, so close to the public road as to constitute a nuisance or hazard to persons using such road, and in no case shall an apiary be placed, kept, or allowed to remain within 100 feet of the exterior line of the traveled portion of a public road.

SEC. 62.923. DISTANCE FROM BUILDINGS.

No person shall place or keep an apiary, or cause or allow an apiary to remain, closer than 600 feet to any house or building used as a dwelling, other than a house or building owned or possessed by such person.

SEC. 62.924. PERMISSION OF LANDOWNERS.

No person shall place or keep an apiary, or cause or allow an apiary to remain, on land not owned or possessed by such person without first obtaining the permission so to do of the owner or person lawfully in possession of such lands.

SEC. 62.925. TRANSPORTATION OF BEES.

No person shall transport hives of bees between sunrise and sunset, or cause the same to be done, unless such bees are confined to the vehicle by which such transportation is accompanied by screens or other equally effective means.

ARTICLE 3. FIRE PROTECTION REQUIRED FOR APIARIES*

*Cross reference(s)--County fire code, § 35.300.001 et seq.

SEC. 62.941. FIREBREAK.

Every person owning, possessing or controlling an apiary shall maintain a firebreak not less than 30 feet wide around such apiary, which firebreak shall meet the following specifications:

(a) Within the 20-foot wide area closest to the apiary, a 10-foot wide area shall be cleared to mineral soil of all combustible material, and all flammable or combustible vegetation or material shall be cut or trimmed to a height not greater than 6 inches above the ground throughout the area of the apiary lying within the inside perimeter of said 10-foot wide area; and

(b) Within the area 30 feet distant from the apiary and lying outside of the outside perimeter of the 10-foot wide area mentioned in subparagraph (a), all flammable or combustible vegetation or material shall be trimmed to a height not greater than 12 inches above the ground.

Subparagraphs (a) and (b) shall not be construed to require the cutting or removal of individual live trees, unless such cutting or removal is required in writing by an officer or agency authorized by Section 62.945 to enforce this article.

SEC. 62.942. FIRE FIGHTING MATERIALS.

The following fire fighting materials shall be maintained, in good working condition, at all times when the apiary is attended by the keeper thereof, sufficiently near the apiary so as immediately to be available in case of fire:

(a) A shovel; and

(b) A fire extinguisher, of either the 2-1/2 gallon water-under-pressure type or the 5 gallon backpack type; provided, that a fire extinguisher, equally effective as those above mentioned, may be used if written authority therefor is first obtained from an officer or agency authorized by Section 62.945 to enforce this article.

SEC. 62.943. BEE SMOKERS.

A bee smoker, herein defined to mean an appliance utilizing smoke or fire in aid of the manipulation or transportation of bees, shall be used, if at all, in accordance with the following regulations:

(a) The base smoker shall be plugged, while being transported to or from an apiary, with a metal or hardwood plug;

(b) All burning or smoldering substances within the bee smoker shall be completely extinguished with water before being transported to or from the apiary, or the bee smoker containing such substances shall be carried in a container which is securely fastened to the vehicle used for the transportation thereof;

(c) The container shall be used for the transportation of the bee smoker at any time that the bee smoker contains any burning or smoldering substance;

(d) The container shall be metal and shall have a top or cover, made of the same material as the container, which shall be securely fastened in the closed position whenever a bee smoker is being transported.

SEC. 62.944. VIOLATION.

(Repealed by Ord. No. 5200 (N.S.), effective 8-10-78)

SEC. 62.945. ENFORCEMENT.

Any federal, State, district or County officer or agency that is charged with duties of fire prevention or control is authorized, within the geographical limits of his/her or its jurisdiction, to enforce the provisions of this article.

ARTICLE 4. CERTIFICATE OF APIARY INSPECTION*

*Note--Added by Ord. No. 2935 (N.S.), effective 4-14-66.

SEC. 62.961. INSPECTION AUTHORIZED.

The Commissioner is authorized, upon the request of the owner or shipper of an apiary who requires a Certificate of Apiary Inspection in order to move such apiary to

another state, to inspect such apiary for disease, or the presence of Africanized Honey Bee.

(Amended by Ord. No. 8358 (N.S.), effective 3-17-94)

SEC. 62.962. ISSUANCE OF CERTIFICATE.

The Commissioner shall issue a Certificate of Apiary Inspection after making the inspection authorized by Section 62.961. Such Certificate shall be substantially the same form as the certificate issued with respect to the movement of bees into the State of California pursuant to Section 29093 of the Agricultural Code.

(Amended by Ord. No. 3429 (N.S.), effective 11-27-69; amended by Ord. No. 8358 (N.S.), effective 3-17-94)

SEC. 62.963. FEE.

The Commissioner shall not make the inspection authorized by Section 62.961 until he has first been paid the inspection fee established by the Board of Supervisors.

(Amended by Ord. No. 3948 (N.S.), effective 9-21-72; amended by Ord. No. 5944 (N.S.), effective 1-1-81; amended by Ord. No. 6715 (N.S.), effective 2-17-84)

ARTICLE 5. CERTIFICATE OF COLONY STRENGTH AND CERTIFICATE OF PESTICIDE LOSS*

*Note--Added by Ord. No. 3948 (N.S.), effective 9-21-72.

SEC. 62.981. CERTIFICATION AUTHORIZED.

The Commissioner is authorized, upon the request of the beekeeper or agricultural producer involved, to:

- (a) inspect and certify as to colony strength for bees used in pollination of agricultural crops; and
- (b) inspect and certify as to loss of bees due to pesticide use pursuant to the U.S. Department of Agriculture Beekeeper Indemnity Payment Program.
- (c) inspect and certify as to colonies being apparently free from Africanized Honey Bee.

(Amended by Ord. No. 8358 (N.S.), effective 3-17-94)

SEC. 62.982. ISSUANCE OF CERTIFICATE.

The Commissioner shall issue a certificate attesting to the colony strength based on the system established by the Secretary of Food and Agriculture, or with respect to pesticide losses shall issue a certificate in accordance with procedures established by the U.S. Department of Agriculture for the Beekeeper Indemnity Payment Program; or certifying that the apiary is free from Africanized Honey Bee.

(Amended by Ord. No. 8358 (N.S.), effective 3-17-94)

SEC. 62.983. FEE.

Pursuant to Sec. 29276, California Food Agricultural Code, and San Diego County Board of Supervisors, Minute Order No. 3 (6/17/80), the Commissioner shall not issue the certificates authorized by Sec. 62.981 until a full cost inspection fee is paid, as per resolution of the Board of Supervisors.

(Amended by Ord. No. 7309 (N.S.), effective 7-2-87)

